

### REMARKS

Claims 21 and 24 again stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Specifically, the Examiner again appears to be attempting to read several process limitations into the structural devices recited in claims 21 and 24 respectively. Even though both of these claims have been cancelled without prejudice herein, the respective subject matter from both claims has been incorporated into independent claim 16. Accordingly, Applicants again traverse this rejection in its entirety as it may now apply to claim 16. The rejection should be withdrawn for at least the reasons of record, and as follows.

The Examiner's questions regarding "what intermediate (or final) structure such laser light was applied for what purposes and/or what wavelength (sic)" is irrelevant to whether or not the device originally recited in claim 21 of the present invention (and now 16) is definite. Such "intermediate" stages or structures would be relevant only to *process* claims, which has no bearing upon the recited structure of the claimed devices.

The subject matter now in claim 16 from claim 21 features, among other things, that the second insulation film of the present invention has a particular thickness, and also that the low density impurity regions and the source and drain regions have a particular reflectivity with respect to laser light. No intermediate stages or structures are claimed (as inappropriately considered), nor is the laser light itself claimed as part of the device. Accordingly, the Examiner's underlying basis for asserting indefiniteness is inapplicable to the present invention, and therefore the rejection is inappropriate.

The rejection is further inappropriate, and should be withdrawn, because the proper standard for definiteness has not been applied in this case. Section 2173.02 of the MPEP requires that the Examiner focus only upon whether these particular claims meet the “threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available.” Section 2173.02 even expressly directs the Examiner to “allow claims which define patentable subject matter with a reasonable degree of particularity and distinctness.” (Emphasis in original). These requirements must be considered in light of: (A) the present disclosure; (B) the teachings of the prior art; and (C) the claim interpretation that would be given by one possessing the ordinary level of skill in the art. In the present case, however, none of these factors appear to have been applied in the outstanding rejection.

For example, neither the present disclosure nor the teachings of the prior art have been cited by the Examiner to support the Examiner’s requirements regarding the “intermediate” processing steps to create the claimed device. Although the Examiner is correct to point out that laser light *may* be used in such intermediate process steps, such process steps are nevertheless not recited in the claims. Furthermore, the Examiner has not cited any objective evidence that one of ordinary skill in the art would require all the additional information the Examiner submits in order to practice the claims of the present invention. In fact, one of ordinary skill in the art could easily understand the present claims, when they are read in light of the present Specification, regarding the features relating to the thickness of the insulation film, and also the reflectivity of the several

other elements recited in the device. Because no objective evidence has been placed on the record to challenge these clear teachings from the present Specification, the Examiner's own personal opinions to the contrary are not relevant to whether the claims are definite. Accordingly, for at least these reasons, the rejection is further deficient.

Regarding the Examiner's discussion of "other layers between the laser and the recited low impurity and source/drain regions," the Examiner is certainly entitled to interpret the claims broadly enough to include or exclude such "other layers" when there is no such applicable language in the claims. The Examiner is not, however, entitled to reject the present claims as being indefinite merely on the basis that such "other layers" are theoretical possibilities. If the Examiner finds a prior art reference that meets the limitations of the present invention with the addition of such other layers, the Examiner is entitled to substantively reject the present claims on that basis under Sections 102 and/or 103. The mere fact alone though, that a claim may be interpreted broadly enough to include several different embodiments, does not render the claim *indefinite*. The breadth of a claim is not a factor in determining definiteness. The discussion of theoretically possible "other layers" is therefore irrelevant to the definiteness of the present claims, and fails to establish any reasonable basis for the outstanding rejection.

Lastly, the Examiner's repeated attempts to include the laser itself as an element of the present device claims are itself inappropriate. The Examiner's own remarks that correctly note how a laser "may not be necessarily included" in the device are evidence enough of this fact. The Examiner's consideration of the present claims

should have instead been more properly focused on the recited structural thickness of the insulation film, and the material reflectivity of the low density/source/drain regions, which are actual features of the present invention to which patentable consideration must have been given.

For example, reflectivity does not disappear with the absence of light. Such material properties of the device still remain. In a more basic example, the surface of a mirror will have a particular reflectivity, and the glass on its surface will have a particular thickness. Such structural features of a standard mirror do not disappear in the absence of a light source. Similarly, a patent claim for such a mirror is not required to recite the a particular light source as an element of the device. Therefore, for at least these additional reasons, the definiteness rejection is still further inappropriate, and should be withdrawn.

Claims 16-17 and 26 stand rejected under 35 U.S.C. 102(b) as being anticipated by Furuta (JP 09-246558). Applicants respectfully traverse this rejection because the cited reference does not disclose or suggest the first insulation film of the present invention. The first insulation film of the present invention covers the surface of the channel region and low density impurity regions up to the nearest edge of the source and drain regions, whereas Furuta's gate insulating film 14 extends *past* the low density impurity regions 13b to cover at least a portion of the source and drain regions 13c.

Applicants submit that the Examiner has improperly added language to the recited claim features of independent claim 16. The Examiner asserts that Furuta's gate insulating film 14 covers "all of the surfaces of the channel region and the low density

impurity regions (*at least*) up to a nearest edge of each of the respective source and drain regions.” (Emphasis added). By adding the Examiner’s own phrase of “at least,” the Examiner has improperly changed the wording of the claim. The phrase “up to a nearest edge” was a more limiting phrase than what the Examiner appears to have actually considered. By adding the phrase “at least,” the Examiner has broadened the clear and plain meaning of the phrase. Furuta clearly shows that the insulation film 14 covers up to a middle portion of the source/drain regions, and not a nearest edge of such regions, as in the present invention. Accordingly, the rejection should be withdrawn for at least these reasons.

Nevertheless, although no amendments to the claims should be necessary for the reasons stated above, in the interests of expediting prosecution only, Applicants have further amended independent claim 16 herein to incorporate the subject matter from dependent claims 21 and 24, which should be allowable for at least the reasons discussed above, as well as those discussed further below. The subject matter from claims 21 and 24 has not been properly rejected under either of Sections 112 and 103. Claim 16 now further clarifies that the sum of the first and second insulation film thicknesses is an integral multiple desired light wavelength over the refractive index of the second insulation film, as can be clearly read from the description from page 10, line 6 through page 11, line 19 (and Fig. 14) of the present Specification.

Claims 21 and 24-25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Furuta. With respect to claims 21 and 24, the rejection is now moot for

the reasons discussed above. With respect to claim 25, Applicants traverse the rejection for at same reasons as those discussed above in traversing the rejection of independent claim 16. Claim 25 depends from claim 16, and therefore contains ~~all of the features of~~ the base claim, plus additional features. Applicants further traverse the rejection as follows.

With respect to the original subject matter from claims 21 and 24 that is now incorporated into claim 16, the Examiner's discussion of "an absolute thickness of about 80nm" is entirely irrelevant to such subject matter. Neither original claim recited any thickness, or absolute thickness, of "80nm" or thereabouts. Instead, claims 21 and 24 (and therefore now claim 16) featured a specific relationship between the thickness of the second insulation film and the reflectivity of the low density impurity/source/drain regions. Because the Examiner does not even assert that such relationship features are obvious from Furuta, the rejection is deficient on its face with respect to the subject matter from these two claims, and should be withdrawn for these additional reasons.

With respect to claim 25, Applicants further traverse the rejection because the actual language of the claim does not appear to have been considered. The Examiner merely asserts that "it is noted that it is art known that such second TFT devices can be desirably and commonly formed so as to have a drive circuit integrated on the same substrate." Claim 25 of the present invention though, does not recite any language that corresponds to this statement by the Examiner. Claim 25 features that the transistor device of claim 16 is included as one or more of two transistor devices that are formed at

a peripheral circuit outside the display area of a thin film transistor substrate. The rejection, however, fails to even mention the display area, or how and where the specific transistor device of claim 16 may be so incorporated. Accordingly, the rejection of claim 25 is also deficient on its face for at least these reasons as well, and should be withdrawn.

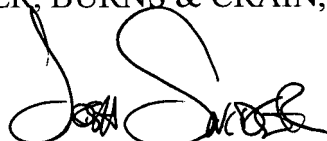
Because the amendments to the claims herein is the incorporation of the subject matter from dependent claims into an independent claim, Applicants submit that such amendments should be entered as of right even after a final rejection.

For all of the foregoing reasons, Applicants submit that this Application, including claims 16-17 and 25-26, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Josh C. Snider

Registration No. 47,954

**Customer No. 24978**

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300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315

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